



COMMUNITY DEVELOPMENT DEPARTMENT

17555 Peak Avenue Morgan Hill CA 95037 (408) 779-7247 Fax (408) 779-7236
Website Address: www.morgan-hill.ca.gov

PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

APRIL 12, 2005

PRESENT: Acevedo, Escobar, Lyle, Mueller, Weston

ABSENT: Benich, Koepp-Baker

LATE: None

STAFF: Community Development Director (CDD) Molloy Previsich, Planning Manager (PM) Rowe, and Minutes Clerk Johnson

Chair Weston called the meeting to order at 7:02 p.m., and led the flag salute.

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

Chair Weston opened the opportunity for public comment.

Having ascertained that there were no persons in the audience who indicated a wish to speak with the Commissioners regarding matters not appearing on the agenda for the evening, Chair Weston closed the time for public comment.

MINUTES

MARCH 8, 2005 COMMISSIONERS MUELLER/ACEVEDO MOTIONED TO APPROVE THE MARCH 8, 2005 MINUTES, WITH THE FOLLOWING MODIFICATION:
Page 4, paragraph 5: ~~build-out~~ *slow student build-up* **and** ~~a count and postpone the analysis~~ *periodic counts and analyses*
THE MOTION CARRIED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: BENICH, KOEPP-BAKER.

MARCH 22, 2005 COMMISSIONERS MUELLER/ACEVEDO MOTIONED TO APPROVE THE MARCH 22, 2005 MINUTES, WITH THE FOLLOWING MODIFICATIONS:
Page 5, paragraph 3:BMRs *and the exempt units*
Page 14, paragraph 13:unanimously *disagreed*
Page 15, paragraph 1, lines 2 and 3: ~~lots~~ *allocations*
Page 15, after paragraph 2: (Add): *By general accord, the Commissioners present (with*

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Lyle absent) indicated the lot will remain as one with the expectation that the applicant will make every effort to secure an operator for the daycare/nursery school.

THE MOTION CARRIED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, ESCOBAR, MUELLER, WESTON; NOES: NONE; ABSTAIN: LYLE; ABSENT: BENICH, KOEPP-BAKER.

NEW BUSINESS:

**1) CRD-04-01:
SAN PEDRO-
SYNCON HOMES**

A request to designate the existing residence and water pump located at 620 San Pedro a Cultural Resource of the City of Morgan Hill.

PM Rowe presented the staff report, as he identified the location and explained that during the Measure C competition the applicant had indicated intent to apply for a Cultural Resource Designation for this dwelling, as points were asked in the Open Space category. PM Rowe said the applicant had committed to preserve the century old dwelling and pump house, but did not have time to apply for the Cultural Resource Designation before the Measure C application was due to the City. This request will partially fulfill the applicant's commitment to assist in the preservation of Morgan Hill. Attention was called to the report of Historian Leslie Dill of Archives & Architecture, wherein the differences of National Register, California Register, and Morgan Hill Cultural Resource Development is distinguished. It was also noted that although the dwelling is not the work of a master craftsman, it is exemplary of its style and represents a link to the founding of Morgan Hill and its early agricultural economy.

PM Rowe displayed a picture of the house as it currently looks. He said this was one in the original subdivisions created after the turn of the century and this specific property was one of original orchards in the area. PM Rowe explained tht both applicant and staff had consulted with the local Historical Society, and have confirmed that the site is not eligible for the National Historic Register. However, PM Rowe said, it is believed to have local significance, because of the home construction was completed by a family named Bronner, who purchased 10 of the 15,000 acres of the Catherine Dunne Ranch Subdivision. The Bronners', subsequently, around 1908 established the home site, including multiple agriculture buildings and the home with the pump house still remains, and although there have been many modifications to the dwelling structure, many of the original fixtures and windows are still in place, particularly in the upper floor of the house. PM Rowe pointed out that the dwelling is surrounded by other contemporary agriculture buildings. PM Rowe stated there is cultural resource and local historical significance in the original farmhouse, which also has a large oak tree nearby the house on the site.

PM Rowe advised that the recommendation of the Planning Staff is consistent with the Historical Society findings of the dwelling and pump house having local significance. He then called attention to Resolution No. 05-19, which had been redistributed with a revised section 3 in the Standard Conditions:

A façade easement shall be recorded stipulating that any exterior alteration to the designated structures shall require prior written approval of the Planning Commission as set forth in Section 18.75.065 of the Morgan Hill Municipal Code.

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PM Rowe explained this condition was the result of a recent conversation with the Morgan Hill Historical Society.

Commissioner Acevedo asked about the location of the pump house in relation to the well. PM Rowe and Commissioner Mueller provided the explanation, with PM Rowe adding the structure is now used for storage. Commissioner Acevedo continued by stating he had visited the site and thought the conditions of the buildings was 'not the best'.

Commissioner Lyle clarified that no public money nor City dollars would be involved in either the restoration or the designation. Commissioner Lyle asked for an explanation of how much the applicant would be willing to spend for restoration? PM Rowe responded that he does not know what the applicant has budgeted for the rehabilitation effort. He advised that the recommendation is to permit the applicant to restore the dwelling and the well tower pursuant to the City's Cultural Resources Preservation Ordinance.

Commissioner Mueller noted that the house will have to be 'reduced', as many additions have been made. Commissioner Mueller also called attention that the request provides reference to the residence, but not the water tower. PM Rowe explained that under the Standard Conditions, page 21, Other Conditions "A" covers both structures.

Chair Weston provided explanation to members of the audience regarding the Measure C allocations and the fact that the applicant promises to save the house is a 'big deal!'. He explained that part of the process is to have the applicant come to the Commission to clarify the plans and answer questions.

Chair Weston opened the public hearing.

Stu Nuthall, 630 San Pedro Ave., told the Commissioners that he has come to clarify concerns as the next door neighbor. Mr. Nuthall explained that there are apparently two wells on the property; asking if the City will be operating one of those? He also expressed concern that the house would be put up for sale once it has been renovated. The Commissioners explained that they would have no control over a potential sale, but were responsible for asking that the development be done in a certain way.

Craig Miott, 2532 Santa Clara Ave., #A5, was present as the representative of the applicant. Mr. Miott stressed that the applicant will be saving the house and tower as cultural elements, and said that the tower in particular has a 'nostalgia element'. He confirmed that the house will probably be sold eventually, but the developer is committed to maintain the character of the era with the restoration of the house and well tower.

Commissioner Lyle asked questions about the restoration and what will be done to have the house more closely fit with the era. He also asked about the commitment of the developer to the financial obligation of the restoration.

Mr. Miott explained that the developer plans to restore the buildings to the original condition, and said that the front of the house will look similar to the picture which PM Rowe had put on view. Mr. Miott said that due to the natural process of age, there may be some items which must be changed, including the windows. He told the Commissioners he is not at liberty to disclose the projected budget for the project.

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Commissioner Lyle asked when the restoration project is scheduled to start? Mr. Miott responded, "Within the next two weeks we will get an architect." Mr. Miott stressed that the restored house and well tower will be similar to a house of that period and will fit into the neighborhood. Mr. Miott said he understood that the developer plans to sell the house at market rate, which will be a more feasible plan once the out-buildings have been removed.

Commissioner Mueller commented that the study provided by the consultant shows what will be included and provides a look of what the house probably was like in 1908.

Commissioner Lyle noted that several parts of the building must be removed, and the windows replaced.

Commissioner Mueller observed that this is a stand alone application and that the applicant filed it earlier, as is this to be part of the total project. Commissioner Mueller called attention to the concerns raised by Mr. Nuthall regarding the well use. Mr. Miott explained that there were two wells: one abandoned and one for irrigation of landscape only; not household use.

Chair Weston noted that there are standards for the abandoned well and the abandoned well must meet Public Works standards for being capped, for example.

Commissioner Mueller clarified, in agreement with Mr. Miott, that the water from the irrigation well can be used for irrigation of the open space. Mr. Miott said the owner is committed to use the well water for irrigation in an effort to reduce demands on the City's water system.

With further discussion evolving, the Commissioners asked questions regarding what the application references in regard to having the dwelling and well house declared as cultural resources. Commissioner Mueller said it appear to be silent on the topic.

PM Rowe reminded that the application did say the large oak tree would be preserved.

Chair Weston said he understood the plans had to be submitted to the Building Department for plan check, and then asked for clarification as to who reviews a renovation project for compliance with the standards? PM Rowe explained the process of peer review by a consulting historian so the plans will be consistent with the historic façade requirements.

Chair Weston inquired what would happen if, following renovation and sale of the dwelling, the new owner wants changes? PM Rowe explained the process by which CDD Molloy Previsich could approve changes administratively.

Commissioner Lyle indicated he thought that the whole plan is dependent on the restoration and that the dwelling and pump house have 'marginal significance of historical importance'. He also asked about a time-line for the restoration project.

Mr. Miott said the developer is planning to hire a consultant/architect and is moving forward. Mr. Miott said that establishing a timeline is difficult, and assuring again that

the developer is making a commitment for restoration once the Cultural Resource Designation is obtained.

Commissioner Mueller suggested that the Commission may look at adding a condition in the Development Agreement that the restoration must be complete by midpoint of the total project completion, and that would effectively require complete restoration before the final stages of the project.

Mr. Miott emphasized that the applicant will have the renovation of the dwelling and the well house done before the end of the project.

PM Rowe spoke on the sequencing of the renovation, and described possible scenarios. PM Rowe also advised that the commitment can be memorialized in the Development Agreement.

CDD Molloy Previsich advised that if this request is granted, it will be a conditional designation, and not official until the site review is completed and the Development Agreement concurred.

Chair Weston questioned if there is sufficient cause to have the dwelling and well house designated as Cultural Resources, and how much time will be required for that designation? Mr. Miott said the development is scheduled to begin in 2007, so there is still time for the process to be completed.

With no others present indicating a wish to speak to the matter, the public hearing was closed.

Commissioner Lyle reiterated that he wanted to be sure that there would be no expenditure of City dollars involved in the project.

COMMISSIONER MUELLER OFFERED RESOLUTION NO. 05-19, APPROVING A CULTURAL RESOURCE DESIGNATION FOR AN EXISTING RESIDENCE *AND THE WATER TOWER* AT 620 SAN PEDRO AVENUE, TOGETHER WITH THE FINDINGS AND CONDITIONS CONTAINED THEREIN AND WITH THE ADDITION OF SECTION 5:

There will be no public funding utilized for the restoration of the dwelling or the pump house being designated as a Cultural Resource.

AND THE INCORPORATION OF SECTION E TO XXIII (OTHER CONDITIONS), [PAGE 21 OF THE STANDARD CONDITIONS]:

A façade easement shall be recorded stipulating that any exterior alteration to the designated structures shall require prior written approval of the Planning Commission as set forth in section 18.75.065 of the Morgan Hill Municipal Code.

COMMISSIONER ESCOBAR PROVIDED THE SECOND TO THE MOTION.

Commissioner Acevedo once more advised the Commissioners that he had visited the

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property 'yesterday about 6:00 p.m. and was not impressed'. "It doesn't look like a blend in the area. There is plenty of this type of architecture in the area and there is not redemptive value in this house *"The house does not look like it blends in with the area or fits with the overall feel of the new housing of the area."* Commissioner Acevedo said. He referred to the criteria, noting that one of the criterions is: "must possess significant character". Commissioner Acevedo declared he did not think this ever did and *expressed strong doubt that this project 'meets the criteria'*. Commissioner Acevedo *stated he would vote 'no' as he had concerns as to the value of the project in adding 'cultural history significance' for the City.*

Commissioner Lyle indicated he felt the same as Commissioner Acevedo.

Commissioner Mueller said a project only has to meet one or more of the criteria and this meets the historical aspect of the area, and noting, "Much depends on how it is restored. If the developer is willing to spend the dollars, it can be good; but now the buildings are too modified. It must get back to when the Dunne Ranch Development began."

Commissioner Escobar said he concurred with Commissioner Mueller, adding that the presence of local character is valid, and such projects do not always have National Historical significance.

Commissioner Lyle then announced that he is 'borderline skeptical', but since the applicant makes a commitment, he is willing to see the plan.

Commissioner Mueller pointed out that the design can be done with a lot of control for what happens.

THE MOTION CARRIED WITH THE FOLLOWING VOTE: AYES: ESCOBAR, LYLE, MUELLER, WESTON; NOES: ACEVEDO; ABSTAIN: NONE; ABSENT: BENICH, KOEPP-BAKER.

**2) ZAA-89-16:
CHURCH-
LABRUCHERIE**

A request to amend an existing PUD, Planned Unit Development Zoning to establish allowable uses within an existing PUD district..

PM Rowe gave the staff report, advising the Commissioners that the subject property is a 4.8 acre site and was zoned PUD in 1983, and subsequently amended in 1989 to establish a precise development plan for containing eight buildings, two of which have been completed. PM Rowe stated that allowable uses were not identified as part of the 1989 zoning amendment. He called attention to the Exhibit 'A' which lists proposed permitted uses for the site which would allow uses similar to those in the Light Industrial District. PM Rowe explained that an exception exists here on site with the wholesale plumbing business currently in operation with a one-year Temporary Use Permit (TUP); other conditional uses would be permitted as outlined in Resolution No. 05-20.

Commissioner Mueller noted that the list of permitted uses includes (Item D) agriculture, including nurseries, but not including raising animals for commercial purposes, and felt this is in conflict with Item C of the list. PM Rowe suggested the Zoning chapter of the Municipal Code is outdated and needs change. Commissioner Mueller agreed, but suggested the chapter be reviewed and eliminate trying to change the items in this list.

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Chair Weston opened the public hearing.

With no members of the public indicating a wish to speak to the matter, the public hearing was closed.

Commissioner Lyle specified some concern with Items R and T on the Permitted Uses list, saying these might generate traffic pattern problems for the complex. It was pointed out that the use of those businesses might not be during high peak hours. Chair Weston agreed, saying those uses (Items R and T) could also heighten concerns about parking.

PM Rowe advised that only two of the eight units had been built with the permitted uses consistent with the current zoning. When applications are received for the use permit and then the business license, evaluation of the site for parking issues would occur. If the parking is deemed insufficient, approval would not be given.

Chair Weston asked if the building has been built on speculation, how would a potential applicant know what business to plan? PM Rowe explained that staff always advises applicants to plan to have the greatest flexible use when planning marketing of their businesses and to consider parking, as well. The City will not allow a business that requires parking in excess of what is available on site.

Commissioner Escobar observed that the fact is a business may be eligible for a permitted use, but it is not always best to have that business situated there.

Commissioner Acevedo spoke on the location Mavericks, of existing gym formerly Gold's, in an industrial setting. He then suggested, "If we have no problems with known gyms, why would we expect problems with new ones? For that reason, we should not worry about it."

Commissioner Mueller said he shared Commissioner Lyle's concerns and thinks some business may be on the site only under a conditional use permit.

Discussion followed regarding permitted uses. PM Rowe advised this is Light Industrial District zoning and explained the permitted uses.

Chair Weston observed that since this property is zoned PUD, there can be whatever use the Commission wants within the Permitted Uses. He continued that it appeared that two of the Commissioners were definitely concerned about Item T and possibly R, too.

Commissioner Escobar stated he thought the Commissioners were 'speculating too much'.

Responding to a question, PM Rowe clarified the location of the eight lots, and indicated that the two lots facing Vineyard had been developed, with five or six others remaining.

Commissioner Acevedo asked if those two were occupied. Commissioner Mueller observed that the site plan is in place. Commissioner Escobar reminded that a current use is a plumbing business operating under a TUP and the other building is not being used.

COMMISSIONER ACEVEDO OFFERED RESOLUTION NO. 05-20, as written, by stating, "I have no problem with the uses described in exhibit A; it offers owner flexibility for different types of businesses; **RECOMMENDING APPROVAL OF AN AMENDMENT TO THE PUD DISTRICT ON 4.8 ACRES ON THE EAST SIDE OF CHURCH STREET OPPOSITE BARRETT AVENUE TO INCLUDE A LIST OF PERMITTED AND CONDITIONAL LAND USES.** COMMISSIONER ESCOBAR SECONDED THE MOTION, AND INDICATED INCLUSION OF THE FINDINGS AND CONDITIONS CONTAINED THEREIN.

Discussion transpired regarding agricultural uses (Item D); Commissioner Escobar urged continued inclusion of the item, saying, "Economic viability must be considered."

Commissioner Acevedo reminded this property is 'right next to ML'. **THE MOTION CARRIED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, ESCOBAR, WESTON; NOES: LYLE, MUELLER; ABSTAIN: NONE; ABSENT: BENICH, KOEPP-BAKER.**

OTHER BUSINESS:

3) PLANNING COMMISSION'S WORK PLAN FOR FY 2005-06

CDD Molloy Previsich gave the staff report, advising that the City Council has requested each Commission to prepare a work plan for FY 2005-06. The Planning Division will also have to prepare a work plan, which is to be submitted to the City Manager's Office, then reviewed by the Council Members and indicated in each of the budgets at adoption. CDD Molloy Previsich explained, in response to the Commissioners' questions, this process is 'new and different'. She continued that the City Council has requested each Commission appointed by the Council prepare a work plan for the coming year. As prepared, CDD Molloy Previsich noted, the work plan for the Planning Division and the Commission are virtually identical, as all the work planned will go through the Commission. The purpose of the evaluation of the work plan at this meeting, CDD Molloy Previsich detailed, is a review and an opportunity for the Commissioners to offer comment on the proposed work plan.

Commissioner Mueller questioned the viability of making a plan when the City Council has said 'Commissioners, do a work plan', but provided no guidance.

CDD Molloy Previsich suggested that since this is the first time for formulating a work plan, one might think it will be left to the Commissioners as to the appropriateness of what they wish to put in that plan. CDD Molloy Previsich advised that the format is the same for both the Planning Division and the Commission and will be submitted to the City Manager indicating ownership of the plan.

CDD Molloy Previsich gave a brief overview of the document which contains project information, milestones, staff assignments and the proposed timeframes. She said, "Staff and the Commissioners will have a lot going on next year." CDD Molloy Previsich gave an example of the work: Adopt a Wireless Communications Policy and possible Zoning Ordinance revisions; which might be a first-lead item, but a draft probably would not be produced until March 1, 2006 because of the press of other duties and work needs. CDD Molloy Previsich noted that the Commissioners may feel a 'different order' would be better than that ranked by Staff.

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Commissioner Escobar asked when the document is due to the City Council? CDD Molloy Previsich responded that it appears to be scheduled for discussion by the City Council on May 20. Department heads will begin discussion next Thursday with the City Managers' office regarding the various plans. Commissioner Escobar then ascertained that there was not urgency for the Commissioners to take action.

Chair Weston observed, "Since CDD Molloy Previsich intends to present the document at the City Council budget meeting of May 20, if the Commissioners want to do things not on the current work plan, they must replace or take off those items." To which CDD Molloy Previsich added, "Or recommend a different prioritization."

At this point, discussion turned to vacancies in the Planning Division and various on-going studies, e.g., the Greenbelt Study. The shortage of currently in-place staff, could affect the wishes of the Commissioners if they choose to move items on the proposed work plan.

Commissioner Mueller stated that it would be helpful to ascertain goals of City Council and how the Planning Commission fits within those.

Commissioners asked questions regarding the following:

- creating regulations for land use near streams [The Council had a workshop consisting of review and goal adoption. This was identified as a goal of the entire Council; the Water District, along with a number of other agencies, is to be part of the collaborative process to attain a Countywide approach for resolution]
- relation of the stream to the downtown and ultimate build out
- Economic Partnership concerns about PUD plans in some areas
- on work plan, the only PUD acknowledgement is Walnut Grove
- what the City Council really adopted for goals
- prioritization of dollars and staff resources
- time
- Urban Limit Line/Greenbelt Implement Activities (a new standard is expected to be adopted by Santa Clara County on April 19)
- Annexation of Urban Island Areas
 - total of 17, with 9 of the islands having made application to LAFCO
- Holiday Lakes Estates Sewer and Annexation Feasibility Study
 - two issues: sewer system and annexation
- Murphy Corridor Study & other Arterial Streets Planlines [this item generated considerable discussion including:
 - why the Planning Commission has not been involved
 - why it is taking so long
 - issues of industrial land
 - Council wants detail on lands involved
- Review Draft EIR for Coyote Valley
- need for City Council to clarify auto dealer strategy
- Downtown implementation (need to have vision 'crystallized')
 - inconsistency of zoning in that area
 - need for City to take lead role

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- mix of commercial and residential
- framework is there, but inaction at present
- concern that the next segment of Measure C competition 'may not happen because of inactivity'
- underserved areas in City downtown for retail
- *need to increase the overall downtown density*

(and add) *The Planning Commissioners strongly stressed the need to get the parking study Sunsweet site completed as there would be the PUD zoning completed soon.*

Commissioner Mueller asked if there had been consideration of budgeting time for the South County Joint Planning Advisory Committee, as he felt it might help the City Council to understand where staff time goes, and that there are many segments of the South County Joint Area Plan which need to be updated.

- Commissioners asked questions/status report updates of CDD Molloy Previsich regarding:
- the Housing Element (supposed to be done before the beginning of the fiscal year)
- need to review traffic/visual/noise issues once the County Courthouse is completed and how that facility will relate to Downtown
- need to talk about a Downtown fire station
- *lack of success of having parking at during the recent bike rally (described as a 'nice central location')*
- (add) *need to monitor/participate in ABAG's development of its next set of housing quotas*

CDD Molloy Previsich thanked the Commissioners for their comments, and assured that the work plan will be revised and re-agendaed. Chair Weston reminded of the request for a flow chart. By agreement, the matter will be placed on the April 26, 2005 agenda.

4) MULTI-FAMILY VACANCY RATE REPORT

Bi-annual review of apartment vacancy rate as required in accordance to the Morgan Hill Municipal Code, Chapter 17.36.

PM Rowe presented the details of the bi-annual vacancy survey, which is required by the City's Subdivision Ordinance. PM Rowe noted that a brief summary of current rent rates as compared to rent rates reported in October, 2004, had been provided in the report.

COMMISSIONERS ESCOBAR/MUELLER MOTIONED TO APPROVE THE REPORT AND FORWARD TO THE CITY COUNCIL THE BI-ANNUAL VACANCY SURVEY RESULTS WHICH ESTABLISHED THE VACANCY RATE FOR APRIL, 2005 AT 4.72%. THE MOTION PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; BENICH AND KOEPP-BAKER WERE ABSENT.

ANNOUNCEMENTS: PM Rowe reported that at the April 6 meeting of the City Council, the Members approved year three of the Measure C competition as recommended by the Planning Commission. PM Rowe distributed the results of the Measure C competition, including the 3rd year approvals.

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Other recent City Council actions reported by PM Rowe were the approval of the text amendment to the Monument Sign Ordinance for the Ford Motor Co., and the introduction of an amendment to the Ordinance for requirements for keeping animals within the City limits.

CDD Molloy Previsich commented on the Ordinance for keeping animals and how each case is different. The staff decision could be appealable to the Planning Commission, CDD Molloy Previsich explained, and ultimately to the City Council. She also expressed hope that passage of the Ordinance would eliminate the public hearing, and that having the fees established would assist applicants. CDD Molloy Previsich also remarked that all the staff is hoping for the 2nd reading of the Ordinance at the Council's April 20, 2005 meeting, as she thinks the Planning Division could get the first application in May, 2005.

The Commissioners briefly discussed the upcoming agenda items.

ADJOURNMENT: Chair Weston determined that there was no further business to come before the Planning Commission at this meeting and adjourned the meeting at 9:11 p.m.

MINUTES RECORDED AND PREPARED BY:

JUDI H. JOHNSON, Minutes Clerk

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